9

The insurrection had many consequences in the Jebel. It prevented any further attempts to interfere with the customs and social structure of the Jebel. Its administration was placed under stricter French control, but its separation from the State of Syria was maintained. The administrative system was formalized by an Organic Law issued in 1930. Under this Law, the region was to be administered by a Governor, appointed by and responsible to the High Commissioner, and possessed of considerable legislative and financial as well as executive powers. In practice he was always a Frenchman. He was to be assisted by a Council of Government, composed partly of heads of administrative departments and partly of appointed members chosen from among the notables. All important acts of the Government would require the approval of the High Commissioner, who was also to exercise such sovereign powers as did not belong to the local Government.[1]

The administration of the Jebel followed a policy the effect of which, whether deliberate or not, was to drive a wedge between the Druzes and the Arab nationalists, whose temporary alliance had given the revolt of 1925 its strength. The separatist spirit so deeply grounded in Druze tradition was encouraged, and there was grafted on to it among a certain section a feeling of dependence upon France. There remained, however, another section who wished for union with Syria.

10

In the State of Syria, the process of pacification was accompanied by one of political change, with the aim of improving the state of feeling and removing some of the grievances of the nationalists: grievances which had been partly endorsed by the Permanent Mandates Commission at its special session to investigate the revolt, held at Rome in February-March, 1926. The change was initiated by M. Henri de Jouvenel, who replaced General Sarrail in November, 1925. He took the first steps which were designed to lead ultimately to self-government. In Lebanon he allowed the Representative Council to draft a Constitution for the State; in the State of the Alawis he held elections for a Constituent Council to draft an Organic Law; and in the State of Syria he ordered elections for

[1] For text, see Dareste, *Les Constitutions Modernes*, V, pp. 694–7.

646 similar Councils to be held in all parts of the country not
648 under martial law. In spite of a boycott by the nationalists, the Syrian elections were held, but the Representative Councils which resulted from them proved ineffective.

646 The next step was to form a Government which should be
643 more acceptable to public opinion than that which had been
645 presided over by Subhi Barakat since the creation of the Syrian State, and which resigned in December, 1925. The Presidency of the State was offered to Shaikh Taj ad-Din al-Hasani, the son of one of the most respected religious leaders in Damascus. He laid down certain conditions of his taking office. The High Commissioner could not, however, accept them, and after some delay appointed as provisional President Damad Ahmad Nami, a Circassian by origin. He formed a Ministry which for a short time included members of the 'People's Party'; its programme envisaged the summoning of a Constituent Assembly, the conclusion of a Franco-Syrian treaty and the attainment of Syrian unity by negotiation with the other States included in the French Mandate.

II

648 In June, 1926, M. de Jouvenel declared to the Permanent Mandates Commission that the French Government intended to negotiate a Franco-Syrian treaty similar to the Anglo-Iraqi Treaty of 1922. Next month he resigned and was succeeded by M. Ponsot. The new High Commissioner took the first step towards the establishment of the self-government which had been foreseen by his predecessor, by preparing for the elaboration of an Organic Law. A beginning had indeed already been made with this: M. de Jouvenel had consulted various notables on the form which the future political organization of the country should take.

In July, 1927, M. Ponsot made a declaration in which he explicitly identified himself with the policy approved by the French Government and the League of Nations and defined by his predecessors. Regard for the wishes of the people concerned had, he maintained, been the idea which had throughout inspired French policy. In accordance with this idea, the framing of the definitive constitution of the countries under French Mandate was to be the work of those peoples. The Mandatory Power would exert itself to bring about a general agreement and to arbitrate in any differences which

11: Hourani S-4 (no date) 1946 MD1 Syria MD1

might arise ; in default of an agreement, it would take appropriate measures to maintain order and to guarantee peace. The Mandatory Power desired to favour and hasten the political evolution of the States under its protection, and to promote their economic development. As for the 'Common Interests', the High Commissioner would continue to administer them with the active and ever-increasing assistance of the representatives of the States.[1]

A few months later, in February, 1928, M. Ponsot judged that the time had come for the election of a Constituent Assembly. In that month the state of siege declared at the beginning of the revolt was finally raised, the censorship suppressed, the special tribunals established during the revolt abolished, and a general amnesty issued. At the same time Damad Ahmad Nami's Ministry was replaced by a new provisional Government of 'moderate' politicians presided over by Shaikh Taj ad-Din al-Hasani, with the task of preparing the way for the creation of regular institutions to which it could hand over its functions.

The elections were held in April of the same year. In the towns, most of those elected belonged to the more uncompromising section of the nationalists, the opponents of Shaikh Taj ad-Din's Ministry ; in the countryside, however, they were mainly moderates. Of the seventy members of the Assembly, over two-thirds supported the Government, but owing to their lack of cohesion and the decision of the Government not to intervene in the proceedings, it was the so-called 'extreme' nationalists who dominated the discussions. They were the more powerful in that they had recovered from the confusion caused by the collapse of the revolt, and had succeeded once more in organizing themselves in a party, the 'National Bloc'. In so far as it had a founder he was Ibrahim Hananu, an Aleppine and a man respected even by his opponents. The Bloc was not a unitary party so much as a working alliance of individuals and groups. It included leading members of important landowning families, like Jamil Mardam Bey from Damascus, Saadullah al-Jabiri from Aleppo, and Hashim al-Atasi, the President of the Bloc. It included also individuals important rather for character and intellect than for representing large sections of opinion, like Faris al-Khuri, a Protestant lawyer, law-teacher and financier. It

[1] For text, see *Oriente Moderno*, September, 1927, pp. 409–11.

11: Hourani S-4 (no date) 1946 MD1 Syria MD1
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before 1914; and was it not ridiculous, as well as expensive, for so small a region to have so grandiose and complex a constitution?

As a further consequence, the movement of discontent with sectarianism was greatly strengthened, and many Lebanese, especially among the young, began to look for an alternative. At one extreme the 'Phalanges Libanaises', the party of Lebanese nationalism, received much support. So too did the 'Syrian National Party', with its doctrine of the total separation of Church and State; while the Arab Nationalists pointed to the failure of the constitutional system as a proof, if one were needed, that an independent Lebanon was too divided, artificial and unstable to exist by itself.

4

In Syria, the first steps towards the execution of the Treaty were taken immediately after the return of the Syrian delegation from Paris. Arrangements were made for the holding of Parliamentary elections; the Chamber was to consist of 86 members, 16 of them representing the religious minorities and 7 the Beduin tribes. The elections, which took place in November, 1936, resulted in an overwhelming majority for the candidates of the National Bloc; and when the Chamber met, on December 21st, its first important act was to choose Faris al-Khuri as its President, and its second to accept the resignation of Muhammad Ali al-Abid from the Presidency of the Republic and to elect Hashim al-Atasi in his place. The Ayyubi Ministry having resigned, the President entrusted the formation of a new one to Jamil Mardam Bey. All the members of his Ministry were drawn from the National Bloc.

This Ministry found no difficulty in securing the confidence of the Chamber, which unanimously approved the Treaty in December, 1936. It was formally signed by the High Commissioner and the members of the Ministry on December 22nd.

In the same month, after consultations with notables of the districts of Jebel Druze and Latakia, their annexation to the Syrian State was proclaimed. This proclamation was accompanied by special Statutes granting a measure of administrative autonomy to the two regions. Despite protests from separatist groups against the concept of a unitary Syria, the régime envisaged in these Statutes was inaugurated by the appointment in January, 1937, of two prominent members of the

11: Hourani S-4 (no date) 1946 MD1 Syria MD 1

722 been for the large programme of public works undertaken by the Ninth Army; they include the construction of a railway line between Haifa and Tripoli, the building of roads and the execution of schemes of irrigation.

15

648 After long hesitation, the Free French at last decided to
642 restore constitutional government. This step was made easier in Syria by the death of Shaikh Taj in January, 1943. A few days later M. Helleu, who was deputizing for General Catroux, absent in North Africa, announced that the General would authorize the re-establishment of the Constitution on his return to the Levant. In March, 1943, provisional Governments were established in both Syria and Lebanon in order to make the necessary arrangements for the elections; that in Syria was headed by Ata al-Ayyubi, that in Lebanon by Dr. Ayyub Tabit.

666 In Syria the arrangements were soon completed. It was
646 decided that the Chamber should consist of 124 deputies,
665 including a number of representatives of the minorities; and that the elections for it should be held in two stages. The primary elections were held on July 10th-11th, the secondary on July 26th. They resulted in an overwhelming majority for the National Bloc. The victory of the Bloc was more complete in Damascus than in Aleppo, where there was a split in the nationalist ranks.

643 On August 17th, 1943, the new Chamber met and elected
645 Shukri al-Quwatli President of the Republic and Faris al-Khuri President of the Chamber. A few days later a new Ministry took office, drawn almost wholly from the Bloc. It was constituted as follows:

Prime Minister	Saadullah al-Jabiri.
Minister for Foreign Affairs	Jamil Mardam Bey.
Minister of the Interior ..	Lutfi al-Haffar.
Minister of Finance ..	Khalid al-Azm.
Minister of Defence and Public Instruction ..	Nasuhi al-Bukhari.
Minister of Public Works and Supplies	Mazhar Raslan.
Minister of Justice ..	Abdur-Rahman al-Kayyali.
Minister of Agriculture and Commerce ..	Tawfiq Shamiyyah.

15: Khadduri S-4 (no date) 1951 MEJ Syria MEJ

642 648 tution was drafted and promulgated in September 1950 with high hopes that it might prove to be the panacea for all of the country's ills.

This process, however, should not be regarded as evidence of inherent insecurity in Syria's political life, but rather as a transitory stage in its constitutional evolution. In it can be seen the gradual ironing out of doubts and conflicts over the nature of the Syrian state, the proper functions of its government, and its relations with the outside world, social and economic as well as political. Syria has freed itself too recently from foreign influence for it to have adjusted fully to both national and international circumstances.

FROM A NATIONAL MONARCHY TO A MANDATORY ADMINISTRATION

642 Amir Faysal, at the head of an Arab army, entered Damascus in October 1918 with the avowed intention of establishing an Arab government. But before he had time to organize a constitutional regime, he was caught up in the larger issue of the peace settlement regarding the whole Arab world. The Syrians, too impatient to wait for the final decisions of the Peace Conference and suspicious of what these decisions would be, called a Syrian Congress representing "Greater Syria" (including Lebanon and Palestine), on the basis of the old Ottoman Electoral Law.[1] This Congress, functioning as both Legislative Assembly and National Convention, considered all matters related to national and foreign policy as well as the drafting of a constitution. It held three main sessions between June 3, 1919, and July 19, 1920. It prepared, during its last session, a draft constitution of 148 articles which, though no formal final vote was taken, had been accepted in principle.[2] The Congress was still considering the second reading when the crisis with the French authorities

666 [1] Elections were actually held only in the interior of Syria; the deputies from Lebanon and Palestine, owing to the objection of the French and British military authorities to the elections, were chosen on the basis of petitions signed by voters in support of their candidates. See Philippe David, *Un Gouvernement Arabe à Damas: Le Congrès Syrien* (Paris, 1923), pp. 52–63.

[2] Cf. Philippe David, *op. cit.*, p. 107.

15: Khaddouri S-4 (no date) 1951 MDI Syria MDI

last time on August 10, 1928, passed a resolution empowering its President to negotiate on its behalf with the authorities "for the fulfilment of the country's [national] aspirations." But negotiations between the leading Syrian nationalists and the High Commissioner led to no agreement. Following an exchange of a number of proposals and counter-proposals, the High Commissioner, by a decree issued on February 5, 1929, prorogued the Constituent Assembly *sine die*.[13] It was over a year later, on May 14, 1930, that M. Ponsot, after consultations in Paris, surprised the nationalists by promulgating the Constitution. The text included Article 2 as altered by a previous proposal of his to reduce it to "Syria is an indivisible political unity," but the other articles in question remained unchanged. There appeared also a new provision (Article 116) withholding from application all provisions which infringed upon France's international obligations relative to Syria, or dealt with the maintenance of security or with foreign relations. Such provisions would become applicable only after special agreement between Syria and the French Government. The Nationalists somewhat grudgingly decided to take part in the elections on this basis, but another eighteen months elapsed before M. Ponsot issued orders for holding them. The elections were finally completed on March 30, 1932, and resulted in a victory for the moderates rather than the nationalist elements.

When Parliament met on June 7, 1932, there was considerable discussion regarding the election of the President. The Nationalists' candidate, Hashim al-Atasi, could muster only 17 votes; nevertheless they declared their intention of withdrawing from Parliament if the Government insisted upon the election of one of its two candidates: Subhi Barakat or Haqqi al-Azm. A compromise was finally reached by electing Muhammad Ali al-Abid, who was *persona grata* to both groups, on the understanding that he would select Haqqi al-Azm, candidate of the moderates, as Prime Minister. In this way the first republican administration was established by the French in cooperation with the Syrian

[13] For these proposals and counter-proposals, see Amin Sa'id, *op. cit.*, Vol. III, pp. 350-51. For the French version, see *Rapport à la Société des Nations sur la situation de la Syrie et du Liban*, pp. 20-21.

15: Khadduri 5-4 (no date) 1951 MD1 Syria MD1

Syrian nationalists took place in 1936 when the international situation had become critical in consequence of Mussolini's occupation of Ethiopia. Prompted by his threat to the Eastern Mediterranean, and inspired by Britain's successful move in the same year to appease the Egyptian nationalists, France once more offered to negotiate a treaty which would give Syria full independence. There was at this time the more liberal Popular Front Government in Paris, with Leon Blum as Prime Minister and Yvon Delbos as Foreign Minister, both of whom were more sympathetic toward Syria's national aspirations than their predecessors. The resulting treaty of September 9, 1936, negotiated by a Syrian Nationalist delegation in Paris, provided for the replacement of the Mandate by a Treaty of Alliance with France on the basis of full independence. While Lebanon was to remain outside of Syria, the autonomous districts (Jabal Druze and Latakia) were to join a unitary Syrian state. France was to receive certain rights regarding its military position in the Levant (as in the case of Britain in Iraq) and the two countries were to consult each other in all matters of foreign policy affecting their common interests. The Treaty was to last for 25 years and to come into force, as in the case of Iraq, when Syria was admitted to membership in the League of Nations as an independent state. Elections for a new Parliament which was to ratify the Treaty were held in November 1936, and resulted in an overwhelming majority for the Nationalists (Kutla Party). Parliament met on December 21 and elected Hashim al-Atasi, leader of the Kutla, President of the Republic in place of Muhammad Ali al-Abid. Faris al-Khuri, a member of the Kutla, was elected President of the Majlis (Parliament), while Jamil Mardam, another Kutla leader, formed the new Government. All members of the Cabinet were drawn from the Kutla Party. The Treaty with France, regarded as a victory for the Kutla, was approved by Parliament and formally signed by the Government and the High Commissioner on December 22, 1936. But it was never ratified by France owing to criticism leveled against it from military and conservative quarters.[17] In 1938 Jamil Mardam tendered his resignation,

[17] For a discussion of France's failure to ratify the treaty, see Charles-André Julien, "French Difficulties in the Middle East," *Foreign Affairs*, XXIV (1946), pp. 327 ff.

15: Khadduri S-4 (no date) 1951 MDl Syria MDl

which was followed by that of President Hashim al-Atasi, and the French High Commissioner suspended Parliament. Thus the second attempt to come to an understanding with Syria failed.

NATIONAL REGIME: THE SECOND REPUBLIC

The outbreak of World War II brought renewed hopes for independence. Upon France's defeat in 1940 the Syrian Nationalists began to agitate for the immediate formation of a national Government; indeed some of them went so far as to contact secretly the Iraqi nationalists, inviting them to intervene and unite the two countries under the Crown of Iraq. A few urged cooperation with the Axis, but the failure of the Rashid Ali movement in Iraq raised doubts as to the feasibility of achieving Arab national aspirations along this path, and on the whole the moderate elements began to come to the fore.

The joint Anglo-French occupation of Syria and Lebanon in 1941 brought with it a promise of independence. A Provisional Government was appointed, and on September 28, 1941, General Catroux formally proclaimed the independence of Syria. The Constitution, however, was not at once restored, and the Nationalists, led by Shukri al-Quwwatli, revived their activities. They pledged cooperation with the democratic powers, but demanded either the immediate restoration of the Majlis of 1936–39 or the holding of new elections. Finally, in January 1943 M. Helleu, representing General Catroux, French Delegate-General, announced the restoration of the Constitution and initiated arrangements for general elections. These were held on July 26, with the Nationalist Party (al-Kutla) overwhelmingly victorious.

The Majlis met on August 17, 1943, and elected Shukri al-Quwwatli, who had emerged as the unrivaled leader of the Nationalists, President of the Republic, and Faris al-Khuri President of the Majlis. On August 19 the President invited Sa'dullah al-Jabiri to form a new Cabinet, drawn almost wholly from the Kutla, and the Government began immediately afterward to negotiate with the French authorities for the transfer of such controls as the French still exercised.

Syria's struggle against foreign control was thus fully re-

15: Khadduri S-4 (no date) 1951 MDl Syria MDl

regime. Both Iraq and Jordan, arguing that a union with Syria would strengthen their position against Israel, opened negotiations with Za'im. Pressed by an immediate need to strengthen his position in the forthcoming armistice negotiations with Israel, Za'im offered to conclude an immediate military alliance with a pledge to consider the larger scheme of future cooperation with the Hashimi Kingdoms later on. He refused, however, to commit himself on whether he favored a republican or monarchical regime.[21]

Za'im's move toward negotiation with the Hashimi Kingdoms aroused the fear of the Saudi-Egyptian bloc that a rapprochement would lead to an extension of Hashimi rule to Syria. Egypt and Saudi Arabia therefore countered with promises of recognition and assurances of military and financial aid. This Saudi-Egyptian intervention was so successful that it not only doomed a Syro-Iraqi dual monarchy (with possible extension to Jordan) but inspired Za'im to reach for the highest position of his country — an ambition which sowed the seeds of disagreement between him and his supporters, both civil and military, who now argued that Za'im had betrayed the cause for which they had instigated the coup, namely to rid the country of the Quwwatli regime.

In April 1949 Za'im dismissed Parliament and ordered new elections on the basis of universal suffrage, including women — the first to be thus held in an Arab country. After Za'im's election to the Presidency, preparations were made to promulgate a new Constitution into which liberal principles were to be introduced, especially relating to land reform. This Constitution, though completed, was never promulgated; but a new civil code, bearing the stamp of the Egyptian jurist Sanhuri Pasha (who had already started research along this line at the initiation of the Iraqi Government), was issued. Although based on both European models and the principles of Islamic law, this code materially restricted the authority of the latter. It is regarded as one of the permanent contributions of Za'im's short-lived regime.

[21] The relations of the Syrian coups d'état to the schemes of unity with Iraq and Jordan are discussed in detail in a paper by the present writer entitled "The Scheme of Fertile Crescent Unity" contributed to a volume to be published shortly by the Harvard University Press.

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ness on both sides. In Syria (and to a lesser degree, in Lebanon) the possibility of long-term co-operation between the nationalist politicians and the Mandatary was frustrated alike by the attitude of most French officials and by that of the local urban populations who, though they later signed the 1936 treaty, desired full self-government.[1] The advent to power in France of the Front Populaire in 1936 eased the situation: treaties with Syria and Lebanon were negotiated whereby the Mandate was to be transformed into an alliance with independent states, but under which France could still maintain troops in the Levant. However, the French Parliament was unwilling to ratify the Syrian treaty under the lengthening shadow of the impending Second World War, and Syrian indignation was increased when the need for Turkey's friendship led France in 1939 to cede to Turkey the Sanjaq of Alexandretta, afterwards renamed Hatay. Leading Syrian politicians refused to co-operate with the French on these terms, and on the eve of the outbreak of war the French High Commissioner once again suspended the Syrian constitution and governed the country through French and Syrian officials; the same procedure was applied to Lebanon after the outbreak of war.

When metropolitan France fell in 1940 the Mandate was carried on by the Vichy Government until the latter's acquiescence in the use of the Levant airfields by the German air force necessitated the intervention of British and Free French forces in June 1941. After a short but bitter campaign, the Vichy forces signed an armistice in July 1941. In the struggle between the Allies and the Axis and between Vichy and de Gaulle the Syrians and Lebanese took no part, but their independence had been promised by the Allied Command. On behalf of the Free French, General Catroux, in a statement on 8 June 1941, proclaimed the end of the Mandate, but in fact the Free French regarded themselves as trustees for France's position, seeking to maintain them by installing Syrian and Lebanese supporters of France in the seats of authority. The Free French had, however, eventually to yield to the demand for popular elections, which was supported by the British Government as soon as the victory at al-Alamain (October 1942) had finally removed the threat of Axis invasion from the Middle East. In Syria the elections of 1943 brought into office the National Bloc with Shukri al-Quwatli as President of the Republic and Saadullah Jabri, Jamil Mardam, and Faris al-Khouri as parliamentary leaders. In the Lebanon also nationalists were successful and the leader of the 'Constitutional Bloc',

[1] For details, see A. H. Hourani, *Syria and Lebanon* (London, RIIA, 1946).

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Bishara al-Khouri, became President with the pan-Arab Riyad as-Sulh as Prime Minister; these nationalists were not satisfied with mere titular sovereignty but claimed the reality of independence, and in November 1943 a Free French resort to force against them was reversed only by a British intervention, endorsed by the United States Government. The Free French were thus constrained to transfer most branches of the administration to the Syrian and Lebanese Parliaments, but retained control of the local 'Troupes Spéciales' and obstructed the proper equipping of the Syrian gendarmerie. The French intention was to make this vital concession of authority conditional upon the conclusion of a Franco-Syrian treaty which would give France much the same strategic, economic, and cultural advantages as Britain had retained in Iraq by the already obsolescent Treaty of 1930. In March 1945 Syria and Lebanon had been admitted as sovereign states to membership both of the United Nations and of the League of Arab States. The Syrian nationalists were not prepared to subordinate their sovereignty to an imposed alliance with France, and the landing of a contingent of Senegalese troops immediately after VE-day (in disregard of a personal appeal of Churchill to de Gaulle) was regarded in both Syria and Lebanon as clear evidence of a French resort to coercion. Sporadic outbreaks of violence between the Syrian gendarmerie and the local nationalists on the one hand and the French garrison on the other became general, and when, at the end of May 1945, the local French Commander carried out a bombardment of Damascus the British Government ordered their Commander-in-Chief, Middle East, to intervene, by force if necessary, to restore order in a region whose security was vital for British communications in the still-continuing war in the Far East. The crisis accelerated the complete withdrawal of all foreign troops, concerning which the demands of the Syrian and Lebanese Governments were supported by the Security Council; the process was completed in Syria by 15 April 1946 and in Lebanon by the end of the year.

Between the wars, the French Mandate had allowed political development in Lebanon to produce at least a façade of parliamentary democracy, with arrangements between the Muslim and Christian leaders on the division of political power and prerogatives, and the active commercial and intellectual life of Lebanon made progress with a minimum of government interference. In Syria, however, local separatisms which French policy had encouraged made it very difficult for any Syrian Government to knit the people together from Damascus; the

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665 668 or retiring officers who showed signs of becoming dangerous. In 1952 he played a large part in endeavouring to give a firm foundation to the new Umma Party and has also made rather more public appearances than at first.[1]

Khaled al-Azm's Cabinet had no common policy to bind them together and resigned in June 1950 to give way to a wholly Populist Cabinet in which Colonel Fawzi Silu took the Defence portfolio as the army's nominee. The rest of the year saw minor constitutional changes and there were stirrings of dissent amongst the military leaders which came to light in the murder of the Commander of the army air force and in an attempt on the life of Shishakli. In the autumn of 1950 pro-Hashimite politicians were out of favour and most of the time in prison. In March 1951 the premiership changed hands; al-Azm was succeeded by Nazim Qudsi, a Populist with no hatred for the Western Powers. Qudsi tried, but failed, to limit the authority of the army; al-Azm again took office, but he, too, found no support in the Parliament. With Shishakli's backing, a new Government was formed in August 1951 by Hasan al-Hakim who could not, however, agree with the attack on the proposals for a Middle East defence organization made by his Foreign Minister, Faidi al-Atasi. Hakim resigned and, in November, a period of muddle was resolved by another coup by Shishakli, as the result of which many of the politicians who had recently held office were imprisoned. At the end of 1951 Parliament was dissolved and Colonel Silu was appointed Chief of State *ad interim* and the government carried on by the senior civil servants.

In January 1952 the Muslim Brotherhood, and in April all political parties, were dissolved and the military rulers passed legislation to forbid students, trade unions, and sports clubs from taking part in any political activity. At the end of the year General Shishakli, now Vice-Premier and Chief of Staff, supported the formation of a new political party known as the Arab Liberation Movement, in the hope that parliamentary [642] life could gradually be restored. In the following summer (21 June 1953) he announced a new constitution on the presidential model, based on 'the aims and aspirations of the people', giving executive power to the President but 'permanent power of control' to the Chamber of Deputies. A referendum held on 10 July resulted in the adoption of the new constitution and the election for a period of five years of Shishakli as President and 666 Premier. A new electoral law, promulgated on 1 August, prepared the way for elections on 9 October, and at the beginning

[1] See Alford Carleton, 'Syria Today', *International Affairs*, January 1954.

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of September the ban on political parties, which had been in force since the end of 1952, was lifted. The elections resulted in an overwhelming victory for the new party, sponsored by the President. As in 1947, voting was by direct suffrage and in 1953 women voted for the first time; there were five women candidates, who were not, however, elected.

External Problems and Relationships

Syria's relations with Great Britain were good after 1941, although not perhaps as good as might have been expected from Britain's record of support for Syrian independence; the credit for this was soon forgotten when Britain did not take the Arab part in the struggle with Zionism. Both Britain and the United States incurred distrust and dislike for their support of Zionism; Syria is one of the few countries to have refused Point Four aid and there have been incidents, not discouraged by the Syrian Government, in which Americans or American property have been attacked. Of the 'imperial' Western Powers, France was in 1952 the least unpopular, partly in view of her long association with the country and partly because she has supplied Syria with the arms which have not been forthcoming from Britain or the United States; but western Germany was rapidly gaining esteem until the Bonn Government undertook to make reparation to Israel for the massacres of European Jews during the Second World War.

Syria has no affinity with Russia or love of Communism but has enjoyed playing East against West in bargaining for favours. Shishakli has the backing of the nation in his desire for neutrality but, if Syria cannot avoid being involved in any war that may break out between Russia and the West, then Syria naturally prefers to be on the winning side. For Syria, picking the winner is a difficult choice requiring deliberation, and any signs that she may be coming down on the Western side of the fence are only recent.

In the struggle between the Hashimis[1] and the alliance of Egypt and Saudi Arabia, Syria usually sided with the latter. This has been due to the devotion of Shukri Kuwatli to the late Ibn Saud and to the fear of Syrian political and military leaders (especially Zaim and Akram Haurani) that they might be submerged by Iraqis and Jordanians in any form of Greater Syria. Under Hinnawi, Syria quarrelled with Egypt and at times there have been signs that she was not prepared blindly to follow Egypt's lead. But, under Shishakli, Syria has tried to keep the peace with both parties; he met Nuri Said in July

[1] See above, p. 31.

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ELECTORAL LAW OF SYRIA[1]

Decree No. 17 of September 10, 1949

Chapter I

NUMBER OF DEPUTIES

666 646 Art. 1. The headquarters of each Muhafazat,[2] with every Nahiya and village under its jurisdiction, as well as every Qadha, shall form an electoral district.

Art. 2. The electoral district shall elect one deputy for every 30,000 Syrian inhabitants or for a fraction of population exceeding half that number.

An electoral district which does not contain 30,000 but not less than 15,000 shall elect one deputy.

The Qadha which does not contain 15,000 shall be joined to the nearest neighboring Qadha headquarters in the Muhafazat, or to the Muhafazat headquarters itself. These sections joined together shall then constitute one electoral district.

Art. 3. A number of parliamentary seats shall be assigned to non-Moslems in proportion to their number in each electoral district and as specified in the previous article.

Art. 4. Nomadic tribes shall be represented by six deputies. The "Special Consultative Council for Nomadic Tribes" shall elect these six deputies from its literate members.

[1] Arabic text in *Official Journal of the Syrian Republic*, no. 46, September 12, 1949, text through the courtesy of Mr. Faiz El-Khouri, Minister of Syria, Washington. English translation prepared by Dr. George J. Tomeh, Second Secretary to the Syrian Legation, upon request of the *Middle East Journal* (Washington), where it also appears (IV [October, 1950], 476-481). The Syrian electoral law of March 28, 1928, reproduced in the first edition of this volume (pp. 277-295), and its amendment of April 21, 1928 (*ibid.*, p. 295) were superseded by a new electoral law of May 21, 1947. The Arabic text of the law of 1947 is to be found in *Official Journal of the Syrian Republic*, no. 23, May 24, 1947. An English translation of substantial parts of the law of 1947 appears in *Yearbook on Human Rights for 1947*, United Nations, 1949, pp. 295-297.

[2] Syria has various administrative divisions and subdivisions; a *Muhafazat* (province) is governed by a *Muhafez*, a *Qadha* (district) by a *Qaimmaqam*, and a *Nahiya* (subdistrict) by a *Mudir*. Throughout this translation the Arabic terms will be used (*Translator's note*).

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Art. 5. The date for parliamentary elections shall be fixed by a decree upon the proposal of the Minister of the Interior and the approval of the cabinet. This decree ought to be published at least one month prior to the fixed date for elections.

Art. 6. At least twenty days before elections, a decree shall be issued, upon the proposal of the Minister of the Interior, and the approval of the cabinet, fixing the number of deputies for each electoral district and according to Articles 2 and 3 of this Law. This decree remains effective during the period of parliament.

Chapter II

Electors

Section I. Qualifications of the Elector

Art. 7. Every Syrian, male and female, who completes the 18th year of his or her age in the beginning of January of the year of elections, shall have the right of suffrage. Each person shall vote in the electoral district where he is listed in the census register, provided that he enjoys his civil and political rights and that he is not deprived of his electoral competence.

Moreover, women must have at least a certificate of primary education in order to be allowed to vote. Separate polling centers shall be established for women voters.

Art. 8. All persons deprived of their right to suffrage, according to Articles 63 and 66 of the Criminal Law, shall be prevented from voting.

Art. 9. The right of suffrage shall be suspended for the following persons:

(a) Those under inhibition who have not been released.

(b) The mentally ill, during their period of sickness.

(c) Those persons convicted according to Article 65 of the Criminal Law.

Art. 10. Officers, non-commissioned officers and soldiers in the army, the gendarmerie, the police, the forces of security and persons attached to any organization of a military nature in all ranks, shall refrain from voting.

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Section II. ELECTORAL REGISTERS

166 646 Art. 11. During the first half of January of each year, a "census committee" for each electoral district shall arrange an electoral register containing the names of electors at that district.

Art. 12. This committee shall be composed of:

(a) The director of municipality, or his deputy, as president.

(b) The officer of the census register, or the clerk of this office.

(c) A member to be delegated by the municipal council.

(d) A member to be delegated by the Qadha council.

Art. 13. In arranging the above-mentioned registers, the census committee shall base its work on the census register and can seek the assistance of the Mudirs, the bodies of elders, and any other person or body whose help is deemed necessary.

Art. 14. This committee shall put out, not later than the 15th of January, a unified register of electors containing their names, surnames and residence.

Art. 15. These registers must not include persons described in Articles 8, 9 and 10 of this Law.

Art. 16. The registers shall then be forwarded to the Muhafez or Qaimmaqam who will post them in public places (government buildings, places of worship, public circles, Nahiya seats and villages) and publish them till the 15th of January.

Art. 17. Any person whose name was omitted from the electoral list without justification, or because of an error occurring in his census register, has the right to ask that his name be listed or to object to the undue registration of any other person.

Art. 18. The petition of objection shall be submitted to the committee of inspection not later than the end of January.

This committee shall be formed in the headquarters of the Muhafazat with the Muhafez as chairman and the district attorney and the director of finance as two members; when formed in the headquarters of the Qadha, the Qaimmaqam shall act as chairman of the committee, and the justice of the peace and the director of finance as the two members.

Art. 19. The committee of inspection must decide on the petitions within five days of their submission to it; the decisions of the commit-

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tee can be appealed within three days to the court of the region. The court must, within five days, decide finally on the matter. Petitions of objections are exempt from all fees.

Art. 20. The committee of inspection shall put out final and comprehensive lists of all electors of an electoral district. These lists shall be published as specified in Article 16 of this Law.

Art. 21. Every Syrian whose name was omitted from the electoral lists has the right, within five days after the declaration and fixing of the date for elections, to request the justice of the peace to register his name.

The justice of the peace has to decide within five days at most whether to order the registration of the applicant or not, after checking on the qualifications mentioned in Article 7, and disqualifications mentioned in Articles 8, 9 and 10 of this Law.

Petitions and decisions shall be exempt from fees and stamps.

Chapter III

Candidacy for Parliament

Section I. Qualifications of Candidates

Art. 22. A candidate for parliament must fulfil the following conditions:

(a) He ought to have been a Syrian national for the last ten years at least.

(b) He must be a male elector listed in the electoral registers.

(c) He must have completed his 30th year of age at the beginning of January of the year of elections.

(d) He must have passed the fifth primary grade, or obtained a certificate of primary education, or completed a course of study equivalent to either of them.

(e) He must stand for elections in one electoral district only.

Art. 23. Government staff defined in the "basic law of officials" who receive their salaries from the Government treasury or from other public treasuries under its jurisdiction, cannot become candidates in the electoral district where they perform their functions, except after three months of their resignation from office.

If a government official stands for elections in another electoral district from where his office is and succeeds, he must cease to work.

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666 An interim official shall be appointed for the vacancy until the elec-
646 tion of the former official has been finally pronounced valid.

The elected official has then to choose, within five days of his election, either to remain in the government service or to become a deputy. If he chooses the latter, his right to his government office ceases to exist, and if not, he shall be returned to his office necessarily.

Art. 24. Under-Secretaries and directors-general of the various ministries, presidents, advisers, members and attorney-generals of the Higher Court of Appeal, the *conseil d'état*, the Auditing Board and directors of municipalities in every Qadha and Muhafazat cannot qualify for candidacy unless they resign from their offices three months prior to the publication of the decree fixing the date for elections.

Art. 25. It is not permissible to hold simultaneously a deputy seat and a public office in which the salary is paid from the government treasury or from municipalities. Exception, however, is made of the members of the teaching faculty of the Syrian University who do not have an administrative function in it.

Art. 26. A deputy shall be considered to have resigned from parliament if he accepts an office in the government.

It is, however, possible to delegate a deputy to an unclassified, temporary foreign mission for a period not exceeding six months, and not renewable.

Section II. PROCEDURE FOR CANDIDACY

Art. 27. A candidate ought to submit a written declaration to the Muhafez or Qaimmaqam within five days of the publication of the decree fixing the number of deputies and get a temporary receipt of acknowledgement for it.

The Muhafez or the Qaimmaqam ought to ascertain that the applying candidate fulfils the conditions for candidacy mentioned in Article 22.

Thereupon, the candidate shall get, within five days at the most, a final receipt of acknowledgement in which the day and hour of his application are to be mentioned.

If the Muhafez or the Qaimmaqam refrain from giving such a receipt within the specified period, the candidate has the right to

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object by petition—exempt from fees—to the highest court in the Muhafazat or Qadha headquarters and to the First Court of Appeal in the capital. The court must render a final judgement on such objections within five days.

Art. 28. Every elector has the right to object on the validity of candidacy. These objections cannot be submitted except to a special appellate court described in Article 53 of this Law, which has the right to decide finally on cases arising from the election of deputies.

Section III. CAMPAIGN LITERATURE

Art. 29. An officially acknowledged candidate can issue pamphlets announcing candidacy, explaining his aims, plans and everything that concerns the program of his work. All such pamphlets are to be signed by the candidate, and three copies of each ought to be submitted to the Muhafez or Qaimmaqam.

Political parties and organizations can issue such publications rovided they are duly signed by their legal representatives.

Art. 30. Announcements, writings, pictures and photographs of sort for propaganda purposes during the electoral campaign annot be posted on the walls of public or private buildings. Persons who violate these instructions shall be prosecuted according to Article 737 of the Criminal Law.

Art. 31. Campaign literature shall be exempt from stamps.

CHAPTER IV

PROCEDURE FOR ELECTIONS

Art. 32. Deputies shall be elected directly by the people and by a secret ballot.

Art. 33. Quarters in cities and towns, and Nahiyas in Qadhas shall be considered polling centers, provided the number of electors in each center does not exceed 1,000. If a polling center contains more than 1,000, it should be divided provided the number of electors in each is not less than 500. If one village or more contain less than 500 electors, and if the distance between these villages and the nearest polling center exceeds fifty kilometers, the Minister of the Interior can establish in them a separate polling center.

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666 646 The Muhafez and the Qaimmaqam shall issue in their respective headquarters, and within fifteen days at least before elections, decrees designating the polling centers and containing lists of electors for each of them.

Candidates have the right to object on the decrees of the Muhafez to the Minister of the Interior, and on the decrees of the Qaimmaqam to the Muhafez.

In a small Qadha which is not subdivided into Nahiyas, polling centers shall be established in its villages in proportion to electors, as specified above.

Art. 34. Polling centers, in the headquarters of each Muhafazat, Qadha and Nahiya, shall be supervised by a committee composed of three persons: the chairman, who will be nominated by the Muhafez or Qaimmaqam, the Mukhtar, a member and another member to be chosen from the municipal council, or the Qadha council or officials council. Judges, their aides and teachers shall be given preference to others. The members of these electoral committees shall swear to the justice of the peace to deliver their task in honesty, equity and absolute neutrality.

If a member of the committee is absent, its chairman chooses from the electors a new member. If all the committee is absent, the Muhafez or the Qaimmaqam must proceed immediately to nominate another committee, and its newly appointed members shall be sworn in by the highest administrative chief in the region.

Art. 35. There ought not to exist between the chairman of the committee or anyone of its members on the one hand and a candidate of the electoral district on the other, a kinship below the fourth degree.

Art. 36. The chairman of the committee shall ensure the maintenance of order. He shall have judicial authority within the polling center and may seek the assistance of security forces when necessary. The Muhafez or Qaimmaqam has the right to inspect the elections.

Art. 37. Every candidate, or one who represents him by virtue of a signed letter legalized by the Muhafez or Qaimmaqam, is entitled to attend and watch the voting operation and counting of votes. Nobody else has this right.

Art. 38. Voting begins at 7:00 A.M. and ends at 7:00 P.M. if

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voters cease to arrive. Otherwise voting will go on, but not later than 10:00 P.M. under any circumstances.

Art. 39. If the total number of electors in all polling centers of one electoral district reaches 60 per cent, voting in that district is considered completed; if not, the voting boxes shall be sealed by the seal of the electoral committee and the representatives of candidates; the latter, along with security officers, will guard the voting boxes.

Next day the boxes will be unsealed at 7:00 A.M. in the presence of the electoral committee and the representatives of candidates. Voting will be resumed till 4:00 P.M. and the number of electors who so far have exercised their right to vote will be considered enough.

Art. 40. Each elector comes to the polling center where his name is registered. The chairman of the electoral committee verifies the elector's name from the electoral register and from his identity card. Thereafter the chairman signs the identity card of the elector and gives him a white paper carrying the seal of the Muhafazat or Qadha, upon which the elector writes the names of the candidates for whom he is voting. If an elector is illiterate, he shall employ a member of the committee to write for him under the supervision of the chairman of the committee, and he himself casts the paper in the voting box. Thereupon, the chairman checks his name on the register.

Contrary to the ruling of the previous paragraph, officials outside their electoral district can vote in the polling center of the seat of their offices; similarly, members of an electoral committee can vote in the polling center to which they have been assigned. In both cases, the names of these electors ought to be added to the electoral register of the center where they vote, as specified in the previous paragraph.

Art. 41. The voting paper shall contain on one of its two pages the names of candidates as they appear in the receipts of acknowledgement for candidacy described in Article 27 hereof.

Art. 42. Voting shall take place on the basis of the list of candidates. The elector must choose a number of them equal to the number of seats in the electoral district, as limited in the decree mentioned in Article 6 hereof.

Art. 43. When voting is completed, the electoral committee shall count the voting papers publicly without reading them. If there

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found that the number of the papers is 5 per cent more or less than those who actually voted, election in that center shall not be considered valid and shall be repeated the next day.

If there be found that the excess is below 5 per cent, a number of voting papers proportionate to this excess must be withdrawn without reading the contents.

No deficiency will, however, be taken into consideration if it is below 5 per cent of the total number of electors noted in the register as having voted.

Art. 44. Voting papers that are empty, absolutely illegible or do not carry the seal of the committee shall be considered void and cannot be included in the total of votes. They must, nevertheless, be attached to the minutes.

If a voting paper shall contain more names of candidates than is decided by the decree fixing the number of deputies, the excess shall be cancelled from the bottom of the list in proportion to each category in the electoral district.[1]

If the voting paper shall contain less names of candidates than is required, it shall be considered in favor of those voted for. If any lists contain the name of a non-candidate, this name shall be disregarded only; and if the same name be written more than once, it shall be reckoned once only. In either case the voting paper is valid.

The voting papers which do not state clearly the name of a candidate, but contain enough indications to remove any ambiguity, shall be considered valid.

Art. 45. The electoral committee shall render judgement on all objections submitted to it with regard to the voting operations.

The decisions of the electoral committees can be appealed to the central electoral committee which gives a final judgment. Such objections shall not cause a delay in the progress of elections.

If the central electoral committee decides that election in one of the polling centers is not valid because it violates the rules of this law, the Minister of the Interior shall issue an order fixing a date for reelections in that center.

[1] In one electoral district there might be Moslem and non-Moslem candidates. If, for instance, the required number of deputies in one electoral district is 3 for Moslems and 2 for non-Moslems and the voting paper contains names of 5 Moslem candidates and 3 non-Moslems, the chairman of the Electoral committee must cancel the last two names of Moslems and the last name of non-Moslems [*Translator's note*].

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Art. 46. The counting of votes shall take place continuously in the polling center. Results shall be declared publicly. Then the electoral committees shall draw up statements recording in particular the names of candidates, the number of votes which every one of them obtained, and the decisions and measures taken during the elections. These will be referred immediately to the central electoral committe of the electoral district.

Art. 47. In the Muhafazat this committee is to be composed of the Muhafez as chairman, the attorney general and two judges as members; in the Qadha, the Qaimmaqam as chairman, the justice of the peace and a member of the municipal council as two members.

Art. 48. Upon receipt of the statements from all polling centers, the central committee immediately meets; its task shall be to add the results in the presence of candidates or their representatives, to draw up a comprehensive statement, to declare those final results and to submit a copy of its statement to the Minister of the Interior.

Art. 49. Candidates shall be classified according to the number of valid votes which they obtain. The candidate who obtains more votes than others, provided that the number of those votes is not less than 40 per cent of the valid votes cast, shall be considered successful.

If one seat or more remain vacant, elections shall be repeated one week later among the candidates who received more than 10 per cent from the total of valid votes cast. The candidate who this time receives a majority of votes shall be considered successful.

Art. 50. If two candidates receive an equal number of votes, the decision shall be by lot.

Art. 51. If the number of candidates in one district does not exceed the number of deputies which are to be elected for that district, no voting takes place and the candidates shall be elected.

Art. 52. The final results shall be announced by a decree, as they were recorded in the statements, within three days at most after the Minister of the Interior has received all the records of elections.

Art. 53. The validity of elections shall be decided upon by a special appellate court presided by the first judge of the higher court of appeal or any one who takes his place, and composed of four other judges following him in grade as members, together with three

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deputies elected from the parliament by secret ballot and on whose elections no objections exist.

Art. 54. The president of parliament shall call this special court to meet as soon as the three deputies, who are to be members of this court, have been elected. The court then investigates all charges laid against elections of deputies within three months at most of their submission. This court shall have all authority necessary for its action, and its decisions shall be irrevocable.

Chapter V

Crimes connected with elections

Art. 55. Persons committing crimes because of elections shall be prosecuted according to Articles 319-324 of the Criminal Law.

Art. 56. Every person who has been asked to cooperate in one body, or requested to help in the execution of electoral operations and refuses to cooperate shall be punished in accordance with Article 756 of the Criminal Law.

Chapter VI

Transitory and final provisions

Art. 57. Contrary to the stipulations of Article 24 hereof, the presidents, the advisers, the members and attorney generals of the higher court of appeal, the "*conseil d'état,*" and the Auditing Board who have been prevented from exercising their right to candidacy in accordance with this law, can, nevertheless, enjoy this right if they resign their offices one week after its publication. This exception to Article 24 shall be effective only during the first electoral session which follows the publication of this law.

Art. 58. The present electoral registers shall be modified in accordance with this law.

Art. 59. The Minister of the Interior shall issue all decisions and instructions necessary for the execution of this law.

Art. 60. All previous texts contrary to this law and, in particular, the previous electoral Law No. 325 of May 21, 1947, and its modifications,[1] shall be considered void.

Art. 61. This law is to be published and communicated to all concerned for execution.

[1] See above, p. 434, n. 1.